

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID GARNER,

Defendant.

Case No. 21-CR-139-2-JPS

**ORDER**

On July 7, 2021, the Grand Jury returned a five-count Indictment, in which Defendant was charged with four counts of violating 18 U.S.C. §§ 371, 844(i), 844(n), and 2(a). ECF No. 6. On August 19, 2022, the parties filed a plea agreement, indicating that Defendant intended to plead guilty to Count Two of the Indictment, with the Government to dismiss the remaining counts at the time of sentencing. ECF No. 54.

The parties appeared before Magistrate Judge Dries on September 15, 2022 to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. ECF No. 61. Defendant entered a plea of guilty as to Count Two of the Indictment. *Id.* After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Judge Dries determined that the guilty plea was knowing and voluntary, and that the offense charged was supported by an independent factual basis containing each of the essential elements of the offense. *Id.*

The following day, Magistrate Judge Dries filed a Report and Recommendation with this Court, recommending that: (1) Defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared;

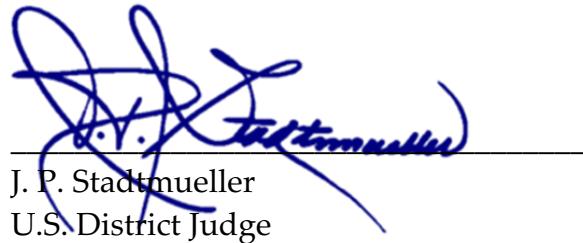
and (3) Defendant be adjudicated guilty and have a sentence imposed accordingly. ECF No. 62. Pursuant to General Local Rule 72(c), 28 U.S.C. § 636(b)(1)(B), and Federal Rule of Criminal Procedure 59(b), the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. *Id.* at 1–2. To date, no party has filed such an objection. The Court has considered Magistrate Judge Dries's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

**IT IS ORDERED** that Magistrate Judge Stephen C. Dries's Report and Recommendation, ECF No. 62, be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 6th day of October, 2022.

BY THE COURT:



J. P. Stadtmueller  
U.S. District Judge